

REMARKS

Entry of the foregoing, reexamination and further and favorable reconsideration of the subject application in light of the following remarks, pursuant to and consistent with 37 C.F.R. § 1.116, are respectfully requested.

By the foregoing amendment, claim 60 has been canceled without prejudice or disclaimer to the subject matter recited therein. Applicants reserve the right to file a divisional application drawn to the canceled, non-elected subject matter. Further, by the present amendment, new claims 62-65 have been added. Support for the claims can be found throughout the originally filed application including, for example, original claim 1. Hence, no new matter has been added.

This application, which is a continuation of U.S. Application Serial No. 08/379,452, filed on January 30, 1995, which is a 371 of International Application No. PCT/FR94/00624, filed on May 27, 1994, claims benefit of foreign priority to French Application No. 93 06482 filed on May 28, 1993. The certified copy of this French priority document was filed in the International Receiving Office in PCT/FR94/00624. The Examiner acknowledged this claim for foreign priority as well as receipt of the certified copy of this document in the Official Action mailed on June 27, 2000. To complete the record, applicants have filed concurrently herewith an English language translation of French priority document 93 06482.

Turning now to the Official Action, the Examiner has made the restriction requirement final, and therefore, required cancellation of non-elected claim 60, or other

appropriate action. Thus, in complete response and as described above, claim 60 has been canceled by the present amendment, without prejudice or disclaimer to the subject matter recited therein.

Claims 56, 57, 59 and 61 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as purportedly being unpatentable over the claim of copending application Serial No. 09/739,007 which corresponds to non-elected claim 57 of copending application Serial No. 09/421,935. This rejection is respectfully traversed.

In order to expedite prosecution in the subject application and not to acquiesce to the Examiner's rejection, applicants have filed concurrently therewith a terminal disclaimer to obviate the provisional double patenting rejection over copending application Serial No. 09/739,007.

In view of the above, the Examiner is respectfully requested to withdraw this provisional double patenting rejection.

Additionally, claims 56, 57, 59 and 61 have been rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 2 and 18 of U.S. Patent No. 6,040,174. This rejection is respectfully traversed.

To expedite prosecution in the subject application and not to acquiesce to the Examiner's rejection, applicants have filed concurrently herewith a terminal disclaimer to obviate the double patent rejection over U.S. Patent No. 6,040,174.

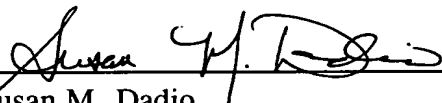
Accordingly, withdrawal of this double patenting rejection is respectfully requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is respectfully requested and such action is earnestly solicited.

In the event that there are any questions relating to this response, or the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 
Susan M. Dadio
Registration No. 40,373

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: April 12, 2001